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6 **UNITED STATES DISTRICT COURT**
7 **NORTHERN DISTRICT OF CALIFORNIA**
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10 DONALD MILLER, NADINE MILLER,

11 Plaintiffs,

12 v.

13 CITY OF MONTEREY, and others,

14 Defendants.
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Case No. 16-cv-06729 NC

**ORDER OF CONDITIONAL
DISMISSAL**

Re: Dkt. No. 37

16 The Court having been notified by Donald Miller on January 31, 2018, that plaintiffs
17 no longer wish to pursue this action, and it appearing that no issue remains for the Court's
18 determination,

19 IT IS HEREBY ORDERED THAT this action and all claims asserted herein are
20 DISMISSED with prejudice. In the event that there is a basis to set aside the dismissal, any
21 party may move to reopen the case, provided that such motion is filed by February 28,
22 2018. All other scheduled case dates and deadlines are VACATED. The Clerk of Court is
23 asked to serve this Order on Donald and Nadine Miller.

24 IT IS SO ORDERED.

25 Dated: February 13, 2018

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Nathanael M. Cousins
United States Magistrate Judge
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